

5
B. Denny
12/16/98



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 16, 1998

7-16-98
Date

Emily L. Mann
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PATRICIA BILLING-MEDEL et al.

Serial No.: 08/962,094

Group Art Unit:

Filing Date: October 31, 1997

Examiner:

Title: REAGENTS AND METHODS USEFUL FOR DETECTING
DISEASES OF THE BREAST

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Petition is filed in order to correct the inventorship of the above-identified patent application under 37 CFR §1.48(a). The inventorship is incomplete due to an error made without deceptive intent.

Applicants respectfully request that the following individual be added as coinventor to the application: Hong YU.

Accompanying this Petition is a Declaration in Support of Petition to Correct Inventorship, signed by the inventor to be added, a Consent of Assignee for Correction of Inventorship Under 37 CFR §1.48(a), a Supplemental Declaration and Power of Attorney signed by each of the inventors, and the required fee pursuant to 37 CFR §1.17(h).

The Commissioner is respectfully requested to act favorably on this Petition and amend inventorship as specified above.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account no. 01-0025.

Respectfully submitted,

Date: July 2, 1998

By: Cheryl L. Becker
Cheryl L. Becker
Registration No. 35,441

ABBOTT LABORATORIES
100 Abbott Park Road
Abbott Park, IL 60064-3500
Telephone: (847) 935-1729
Facsimile: (847) 938-2623

#6
B. Denny
12/16/98

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7-16-98
Date

[Signature]
Signature



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

In Re Application of:

PATRICIA BILLING-MEDEL et al.

Serial No.: 08/962,094

Group Art Unit:

Filing Date: October 31, 1997

Examiner:

Title: REAGENTS AND METHODS USEFUL FOR DETECTING
DISEASES OF THE BREAST

CONSENT OF ASSIGNEE FOR CORRECTION OF
INVENTORSHIP UNDER 37 CFR §1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Abbott Laboratories, the owner of the entire right, title and interest in and to the above-identified application, by virtue of an assignment appended hereto, hereby consents to the request to correct inventorship of the above-identified application to designate Hong YU as an additional coinventor.

Date: July 1, 1998

[Signature]
ABBOTT LABORATORIES
Name: Steven F. Weinstock
Title: Divisional Vice-President
Patents and Trademarks

SERIAL NO: 08/962,094

DATE FILED: 10/31/97

DOCKET NO.: 5995.US.P1

ASSIGNMENT

For One Dollar (\$1.00) and other valuable consideration received from Abbott Laboratories, a corporation organized and existing under the laws of the State of Illinois and having an office and place of business at Abbott Park, County of Lake, State of Illinois, United States of America, Patricia A. Billing-Medel of Gurnee, Illinois; Maurice Cohen of Highland Park, Illinois; Tracey L. Colpitts of Round Lake, Illinois; Paula N. Friedman of Deerfield, Illinois; Julian Gordon of Lake Bluff, Illinois; Edward N. Granados of Vernon Hills, Illinois; Steven C. Hodges of Buffalo Grove, Illinois; Michael R. Klass of Libertyville, Illinois; Jon D. Kratochvil of Kenosha, Wisconsin; Lisa Roberts-Rapp of Gurnee, Illinois; John C. Russell of Kenosha, Wisconsin and Steven D. Stroupe of Libertyville, Illinois in the United States of America, inventors and owners of an invention entitled REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE BREAST, which has been assigned Attorney's docket no. as set forth in the application signed by us, concurrently herewith, do hereby sell, assign, and transfer unto Abbott Laboratories, the entire right, title and interest, for the United States of America and the Territories thereof and for all foreign countries and territories, in and to said invention (including the above-referenced patent application and any foreign equivalents thereof, any continuation, continuation-in-part, or division thereof, and any patent, reissue, extension or reexamination based thereon); and we do authorize and request the Commissioner of Patents and Trademarks to issue any letters patent issuing on said invention to Abbott Laboratories in accordance herewith; this assignment being under covenant that we have full power to make the same, and also that such assigned right is not encumbered by any grant, license or other right heretofore given, and that we will do any further lawful act desired by this assignee in the prosecution of such application, and any and all other applications, United States or foreign, which may be filed on said invention by us or on our behalf.

We hereby authorize and request the attorneys appointed by us in said application to record on this assignment the Serial No. and filing date of said application when such are ascertained.

Signed by us on dates hereinafter set forth.

Patricia A. Billing-Medel 1/29/98 Maurice Cohen 1/29/98
PATRICIA A. BILLING-MEDEL DATE MAURICE COHEN DATE

Tracey L. Colpitts 1/30/98 Paula N. Friedman 2/3/98
TRACEY L. COLPITTS DATE PAULA N. FRIEDMAN DATE

Julian Gordon 1/25/98 Edward N. Granados 1/28/98
JULIAN GORDON DATE EDWARD N. GRANADOS DATE

Steven C. Hodges 2/6/98 Michael R. Klass 2/12/98
STEVEN C. HODGES DATE MICHAEL R. KLOSS DATE

Jon D. Kratochvil 1/25/98 Lisa Roberts-Rapp 2/3/98
JON D. KRATOCHVIL DATE LISA ROBERTS-RAPP DATE

John C. Russell 1/28/98 Steven D. Stroupe 2/10/98
JOHN C. RUSSELL DATE STEVEN D. STROUPE DATE

ph 2/10/98

State of Mexico)
) ss.
County of Lake)

On this 28, 29, 30, 3, 6, 10, 12 day(s) of Jan./Feb., 1998, before me personally appeared the above named Patricia A. Billing-Medel, Maurice Cohen, Tracey L. Colpitts, Paula N. Friedman, Julian Gordon, Edward N. Granados, Steven C. Hodges, Michael R. Klass, Jon D. Kratochvil, Lisa Roberts-Rapp, John C. Russell and Steven D. Stroupe are personally known to me, and known by me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, on the day and the year aforesaid.

Teresa H. Guercio
Notary Public
OFFICIAL SEAL
TERESA H GUERCIO
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. APR. 24, 2000



Atty Ent 5995.US.P1
PATENT

#7
B. Denney
12/16/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PATRICIA BILLING-MEDEL et al.

Serial No.: 08/962,094

Group Art Unit:

Filing Date: October 31, 1997

Examiner:

Title: REAGENTS AND METHODS USEFUL FOR DETECTING
DISEASES OF THE BREAST

**DECLARATION IN SUPPORT OF PETITION TO
CORRECT INVENTORSHIP UNDER 37 CFR §1.48(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Hong YU, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

6/29/98

Hong YU



Atty Dkt No. 5995.US.P1

**SUPPLEMENTAL COMBINED DECLARATION AND POWER OF ATTORNEY
FOR CONTINUATION-IN-PART APPLICATION**

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE BREAST, the specification of which

___ is attached hereto

X was filed on October 31, 1997

and assigned Serial No. 08/962,094.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office,

or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to this application.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.: 08/742,067

Filing Date: October 31, 1996

Status (patented, pending, abandoned): pending

Application Serial No.:

Filing Date:

Status (patented, pending, abandoned):

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

None.

The priority of the earliest application(s) (if any) filed within a year prior to said pending prior application is hereby claimed under 35 U.S.C. § 119.

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application, and that the earliest application(s) for patent or inventor's certificate on said subject matter filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such application(s) (if any) filed more than twelve months prior to the filing date of this application:

None.

The priority of the earliest application(s) (if any) filed within a year to this application is hereby claimed under 35 U.S.C. § 119.

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Mona Anand, Reg. No. 34,537
Regina M. Anderson, Reg. No. 35,820
Mark C. Bach, Reg. No. 34,766
Cheryl L. Becker, Reg. No. 35,441
Thomas D. Brainard, Reg. No. 32,459
Dianne Casuto, Reg. No. 40,943
Steven R. Crowley, Reg. No. 31,604
Andreas M. Danckers, Reg. No. 32,652
Michael J. Dixon, Reg. No. 32,410
Neal D. Marcus, Reg. No. 35,267
James D. McNeil, Reg. No. 26,204

Lawrence S. Pope, Reg. No. 26,791
Nicholas A. Poulos, Reg. No. 30,209
Priscilla E. Porembski, Reg. No. 33,207
Gregory W. Steele, Reg. No. 33,796
Michael J. Ward, Reg. No. 37,960
David L. Weinstein, Reg. No. 28,128
Brian L. Woodworth, Reg. No. 33,137
Frank Z. Yang, Reg. No. 35,417
Paul D. Yasger, Reg. No. 37,477
Roberta L. Robins, Reg. No. 33,208
Thomas P. McCracken, Reg. No. 38,548
Vandana Date, Reg. No. 38,675

Send Correspondence to:

Steven F. Weinstock
Abbott Laboratories
D-377/AP6D
100 Abbott Park Road
Abbott Park, Illinois 60064-3500

Direct telephone calls to:

Cheryl L. Becker at 847-935-1729.

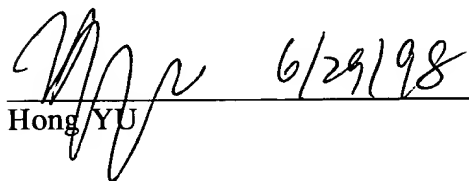
Name (first, middle, last): Hong YU

Post Office Address: Buffalo Grove, IL

Residence: 851 Shady Grove, Buffalo Grove, IL 60089

Citizenship: US

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Hong YU



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: P. A. Billing-Medel et al.

Serial No.: 08/962,094

Filed: October 31, 1997

For: REAGENTS AND METHODS USEFUL
FOR DETECTING DISEASES OF THE
BREAST

Case No.: 5995.US.P1

Date: July 16, 1998

Group Art Unit: 1815

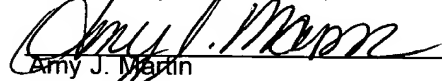
Examiner:

Certificate of Mailing (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Assistant Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: July 16, 1998

 7-16-98
Amy J. Martin Date

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

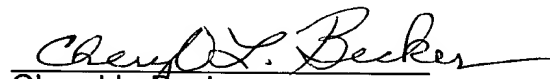
Enclosed herewith is the Petition to Correct Inventorship of P. A. Billing-Medel et al., for REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE BREAST.

- Also enclosed are:
- 1) Consent of Assignee for Correction of Inventorship
 - 2) Declaration in Support of Petition to Correct Inventorship
 - 3) Supplemental Combined Declaration and Power of Attorney for Continuation-In-Part Application
 - 4) Return-Receipt Postcard

The Commissioner is hereby authorized to charge any additional fees required, as well as any patent application processing fees associated with this communication for which full payment has not been tendered, to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
P. A. Billing-Medel et al.

Abbott Laboratories
D-377 AP6D-2
100 Abbott Park Road
Abbott Park, Illinois 60064-3500
Telephone: (847) 935-1729


Cheryl L. Becker
Registration No. 35,441
Attorney for Applicants